

THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 8132 of 2007

Date:19-04-2007

Between:

Bandi Nageshwara Rao and another

PETITIONERS

AND

The Project Officer, ITDA, Rampachodavaram and three others

RESPONDENTS

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ORDER:

The petitioners seek a writ of mandamus to declare the action of the respondents in dispossessing them from lands to an extent of Ac.13.94 cents in Sy.Nos. 268/2A and 268/1B of Melluru village, Gangavaram Mandal, East Godavari District as illegal and arbitrary.

It is stated that the second petitioner is the wife of the first petitioner. The case of the petitioners is that the first petitioner is in possession of the land in an extent of Ac.05.52 cents and the second petitioner is in possession of the land in an extent of Ac.8.42 cents in Sy.No.268/2A situated in Molleru village, Gangavaram mandal, East Godavari District and in respect of the said land 'D' form pattas were granted in favour of the petitioners on 03.01.1984.

I am not inclined to express any opinion with regard to genuineness or otherwise of the said 'D' form pattas. Admittedly, there is no file number or proceeding number. However, the case of the petitioners is that they are in possession and enjoyment of the said land. The petitioners filed some certificates issued by the Mandal Revenue Officer stating that they are in possession of the said land. But, in what capacity the petitioners were in possession of the land is not known. However, it is the contention of the petitioners that they are in possession of the said land. Without taking recourse under the A.P.Scheduled Land Transfer Regulation Act, the respondents cannot dispossess or eject the petitioners from the said land.

Having regard to the facts and circumstances of the case, the respondents are directed not to dispossess the petitioners from the said land without following due procedure of law.

Accordingly, the writ petition is disposed of. No costs.

V.ESWARAIAH, J.

Date:19.04.2007

Note:

Issue operative portion of the order by wire
at party's cost.

B/o
CCM